

Group I: Claims 10-13, drawn to compounds of formula V, R⁴ is piperidine/piperazine, Ar₂ is phenyl, classified in class 544 or 546, subclass various depending on species election.

Group II: Claims 5-9, 14-17, drawn to compounds and composition of formula V wherein R⁴ is the remaining subject matter excluding piperidine, piperazine, classified in class 548 subclass various depending on species election.

Group III: Claims 1-4, drawn to composition of formula I, classified in class 514, subclass various depending on species election.

(Office Action, page 2.) The Office further states that if group I is elected, an election of a single disclosed species is also required, but that generic claims 5-9, 14-17 reading on the elected compounds can be prosecuted together with the elected compounds.

(*Id.*)

Applicants provisionally elect to prosecute Group I, claims 10-13, with traverse. In addition, Applicants elect for search purposes species number 8 recited in claim 13, which is 1-(3-chloro-5-[[4-(4-chlorothiophen-2-yl)-5-(4-cyclohexylpiperidin-1-yl)thiazol-2-yl]carbamoyl]-2-pyridyl)piperidine-4-carboxylic acid. Claims 10-13 read on the elected species. In addition, Applicants note that this species is encompassed within the language of claims 5-9 and 14-17 and respectfully request those claims be examined to the extent they include the elected species and any species included in the extended search.

Applicants traverse the restriction requirement because the groups set forth did not encompass all of the subject matter recited in the claims. In particular, Applicants note that the species elected for search purposes corresponds to a compound of Formula V in which R⁴ is piperidine/piperazine, which is included in the Office's definition of Group I. Group I, however, limits Ar₂ to phenyl, even though species

recited in claim 13, which the Office included in Group I, include compounds in which Ar2 is pyridyl. The elected species of claim 13 also did not appear to fit into Group II, which is limited to claims 5-9 and 14 to 17, or Group III, which is limited to claims 1-4.

Applicant's representative sought guidance regarding the restriction requirement from Examiner Chang in a teleconference on May 9, 2007. After reviewing the claim set and noting the inclusion of the elected species in claim 13, Examiner Chang indicated that Applicants should consider Group I to include the compounds recited in claim 13. That is, Group I should be treated as including compounds in which Ar2 is pyridyl. Accordingly, it is Applicants understanding that an election of Group I with a species election of a compound of Formula V in which Ar2 is pyridyl is a permissible election.


The Examiner is respectfully requested to clarify the restriction requirement in the next Office communication so that Applicants may, if necessary, file one or more divisional applications.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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